

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dupuis et al. (US 6959143 B2, hereinafter referred to as “Dupuis”) in view of Dow et al. (US 20030202773 A1, hereinafter referred to as “Dow”).**

Re **claim 1**, Dupuis discloses a video recorder unit comprising: a receiver for receiving at least one of a plurality of mixed content video channels having a mixed content of special content clips and programs (Dupuis: column 2, lines 38-41, received broadcast signals); a memory for storing selected video signals from the received channels (Dupuis: column 2, lines 42-52), a detection processor for detecting the presence of a special content clip in the at least one of the plurality of channels (Dupuis: column 2, line 53-column 3, line 2); an extraction controller for extracting special content clips from the at least one of the plurality of channels in response to the detection by the detection processor and storing the special content clip in the memory (Dupuis: column 3, lines 3-12); and a group controller for creating a group of special content clips by grouping a plurality of special content clips extracted and stored by the extraction controller (Dupuis: column 3, lines 13-30).

Dupuis does not specifically disclose a play back video generator for playing back the group of the special content clips whereby the user is presented with a continuous sequence of special content clips extracted from the plurality of mixed content channels. However, Dow discloses a system and method for indexing commercials in a video presentation, wherein a DVR is configured to include commercial detection (Dow: paragraph [0031]). Dow further discloses that a commercial indexer provides automatic detection of audio and/or video events in a video signal or data stream (Dow: paragraph [0041]), wherein a program navigator allows for navigation options based on the detected event, the navigation options including viewing commercials while skipping program content (Dow: paragraph [0042]).

Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 2**, Dupuis does not specifically disclose that the video recorder unit is a personal video recorder. However, Dow discloses that the invention relates to a DVR with commercial detection (Dow: paragraph [0031]), wherein the DVR may also be referred to as a PVR (Dow: paragraph [0037]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 3**, Dupuis does not specifically disclose that the play back video generator is operable to generate only one play back video signal, and the video recorder unit comprises a user input interface operable to receive a user input and the video recorder being operable to either play back the group of special content clips or programs in response to this user input. However, Dow discloses that the DVR is responsive to user control, wherein the navigation options including viewing commercials while skipping program content (Dow: paragraph [0042]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 4**, Dupuis does not specifically disclose that the video recorder is operable to change the play back from a first special content clip to a corresponding program in response to the user input detecting an activation during the play back of the first special contents clip. However, Dow discloses that the navigation options include jumping to next or previous commercial or program segments (Dow: paragraph [0042]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 5**, Dupuis does not specifically disclose that the video recorder unit further comprises a controller operable to arrange at least one video recording in

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response to a user input selection of a special content clip and an association between the special content clip and at least a related program. However, Dow discloses that the DVR is responsive to user control (Dow: paragraph [0042]) and that the commercials may include station identification segments and previews, along with other program interruptions (Dow: paragraph [0041]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 6**, Dupuis does not specifically disclose that the special content clip is a preview of the related program and the at least one video recording is at least one video recording of the related program. However, Dow discloses that detected commercials may include any and all non-program content, such as paid advertising, station identification segments, previews, and other program interruptions (Dow: paragraph [0041]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 7**, Dupuis discloses that the related program comprises a plurality of sub programs individually transmitted on the mixed content video channels, and the at least one video recording is a recording of each of the sub programs of the related program (Dupuis: column 3, lines 13-30, separate ads are split from a cluster).

Re **claim 8**, Dupuis does not specifically disclose that the special content clip is a preview clip. However, Dow discloses that the DVR is responsive to user control (Dow: paragraph [0042]) and that the commercials may include station identification segments and previews, along with other program interruptions (Dow: paragraph [0041]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 9**, Dupuis discloses that the extraction controller is further operable to determine if a special content clip is already stored in the memory and not to store the special content clip if so (Dupuis: column 5, lines 15-29).

Re **claim 10**, Dupuis discloses that the extraction controller is operable to store an identification of each stored special content clip, the identification being derived from the video content of each stored video content clip, and detection if the special content clip is already stored is by comparison of an identification of the special content clip with the identifications stored (Dupuis: column 4, lines 48-67).

Re **claim 11**, Dupuis discloses that the detection processor is operable to detect that a special content clip is being received from information data comprised in the video transmission (Dupuis: column 2, lines 2-5).

Re **claim 12**, Dupuis discloses that the detection processor is operable to detect that a special content clip is being received from content analysis of the received video signal (Dupuis: column 2, line 53-column 3, line 2).

Re **claim 13**, Dupuis does not specifically disclose that the play back video generator is operable to play back a selected sub group of the group of special content clips in response to a user profile. However, Dow discloses that user specific event recognition and pattern recognition data, such as event thresholds and event patterns based upon user history, service, carrier, or program, may be provided to the DVR via a server (Dow: paragraph [0050]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 14**, Dupuis does not specifically disclose that the play back video generator is operable to play back the group of special content clips in an order dependent on previous viewing of special content clips of the group of special content clips. However, Dow discloses that the navigation options include jumping to the next or previous commercial or program segment (Dow: paragraph [0042]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 15**, Dupuis does not specifically disclose that the play back video generator is operable to play back the group of special content clips in an order dependent on a user preference profile. However, Dow discloses that user specific event recognition and pattern recognition data, such as event thresholds and event patterns based upon user history, service, carrier, or program, may be provided to the DVR via a server (Dow: paragraph [0050]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 16**, Dupuis does not specifically disclose a remote control having a special content clip activation user input, and wherein the video recorder unit is operable to begin play back of the special content clips upon activation of the special content clip activation user input. However, Dow discloses that the DVR is responsive to a remote control user input (Dow: paragraph [0042]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 17**, Dupuis does not specifically disclose that the video recorder unit is operable upon activation of the special content clip activation user input to: if the group of special content clips is being played back, set a recording arrangement for a program

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corresponding to a special content clip currently being played, and if the group of special content clips is not being played back, begin the play back of the group of special content clips. However, Dow discloses that the navigation options include viewing commercials and skipping program content, jumping to the next or previous commercial or program segment, or "chapter" access to commercials and program segments (Dow: paragraph [0042]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 18**, Dupuis does not specifically disclose that the video recorder unit is operable upon activation of the special content clip activation user input during play back of the group of special content clips to: start play back of the next special content clip of the group of content clip for a shorter activation of the special content clip activation user input; and set a recording arrangement for a program corresponding to a special content clip currently being played for a longer activation of the special content clip activation user input. However, Dow discloses that the navigation options include viewing commercials and skipping program content, jumping to the next or previous commercial or program segment, or "chapter" access to commercials and program segments (Dow: paragraph [0042]). Since Dupuis and Dow both relate to commercial detection, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the user control and navigation options of Dow with the system of



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Dupuis in order to allow the user to automatically and accurately view only the desired programming.

Re **claim 19**, Dupuis discloses a video broadcast system comprising at least one video recorder in accordance with claim 1 (Dupuis: column 2, lines 38-41, broadcast signals are received; therefore the device is part of a broadcast system).

**Claim 20** recites the corresponding method for the video recorder unit of claim 1. Arguments analogous to those presented for claim 1 are applicable to claim 20, and therefore claim 20 has been analyzed and rejected with respect to claim 1 above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Method, apparatus, and program for evolving algorithms for detecting content in information streams; Agnihotri et al. (US 20030126598 A1)
- b. Family histogram based techniques for detection of commercials and other video content; McGee et al. (US 20030117530 A1)

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER FINDLEY whose telephone number is

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(571)270-1199. The examiner can normally be reached on Monday-Friday (8:30 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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